

SUMMARY MINUTES

BUILDING ADVISORY BOARD TUESDAY – JANUARY 9, 2007 – 4:00 P.M.
ROOM 107, CITY-COUNTY BUILDING

Members Present: Les Appleby, Jim Manley, Rick Walters, Vernie Stillings, Bob Haworth, Bob Dolan, Steve Barnett (arrived at 4:07)

Members Absent: Kenny Hancock, Dallas Bruhl

Staff Present: Mike Roberts, Sue Cline, Roger Williams

Audience Count: 4

Meeting was called to order by Bob Haworth, Chairman, at 4:04 pm

(A) Approval of December 12, 2006 minutes

MOTION: Rick Walters moved to approve minutes as written

SECOND: Bob Dolan seconded the motion

DISCUSSION: None

VOTE: 6-0 – motion carried

(B) Continued discussion regarding the request to amend the requirements of IBC sections 406.2.6 with regard to paving requirements for open parking garages regarding the request to amend the requirements of IBC sections 406.2.6 with regard to paving requirements for open parking garages.

Mike Roberts: At the last meeting, the board directed staff to draft some language for the proposed code changes that the board could review for today's meeting. I appreciate the efforts of the applicant in also providing some draft language for your consideration. Both drafts are included in the agenda packet. Staff reviewed the proposed language of the applicant and we have some comments that you might have some questions about today. The other thing that the board was adamant about was that staff be certain to get feedback from the Fire Department since this is a fire safety issue and so a staff report from Roger Williams, Fire Marshal is also included in your packet. Fire Marshal Williams is also in attendance today to answer any questions that you may have regarding his staff report or any other questions related to this matter.

(Mike Roberts continued with a summary of the draft language and the options contained within.) We would be happy to answer any questions that you might have.

Bob Haworth: Does the board have any questions of staff? (pause) Hearing none, would the applicant care to make any comments?

Warren Ediger, 116 S. Santa Fe: I represent Triplett Inc. on this project. I helped draft the first proposed amendment that went to Mike Roberts for review and I think the basis for some of his comments. A couple of things I would like to say at the outset; the

format for the draft we initially started was based on other sections within Chapter 4. We followed their general format and content and actually Mr. Roberts points out that some of those items were similar to other sections in the code. The other thing I'd like to point out is that you have a staff report from the City's Fire Marshal and I would preface this by saying that in general he and I agree with the general approach that you do not modify the code un-necessarily, that you avoid amendments to it wherever possible, that it is crafted as an entire document with inter-related parts and so on. We've approached the idea of an amendment because this is a building type that doesn't seem to fit the definitions very well and needs to be addressed differently than some of the other restrictions. His (*referring to Fire Marshal Williams*) staff report response to some specific questions from Mr. Roberts concludes that he recommends not making an amendment to the code. In further discussion with him and presuming some other views on those questions that he maybe has some different opinions to the responses to those questions. He may not differ in his outcome but understands the situation differently now than what is represented in his staff report. I will leave that to him to address if he chooses to. As far as the suggestions that Mr. Roberts has made with regard to the draft language and some things to be deleted and added. On a whole we found most of those changes acceptable and think that they fall pretty closely to what we originally intended. There may be a couple of items that we would like to discuss further. If you would like I could go through some of those.

Bob Haworth: You might as well do that...

Warren Ediger: This is numbered as page 2 of the staff report, so I believe it would be the same numbering that you have. Under the heading of "open parking garage" the commentary that's been added in italics talks about language that you would use solely for the storage of private motor vehicles, not including tractor trucks and commercial buses. I think the intent of that language was to exclude tractor trucks or commercial buses. The adding of the private motor vehicle language, in further discussions that I've had with Mr. Roberts, I think may need some additional definition. One of our concerns is will this amendment allow or prohibit a contractor from putting up a covered storage building in which he would park construction vehicles that did not otherwise get caught by the tractor trucks or commercial buses definition. I think the intent was that yes, it would at least in Mr. Roberts view. The use of the word private motor vehicles as it is used in other sections of the code, especially where it talks about private garages U categories, I think may place some restrictions both on that use and on RV use and some other activities that we would hope would be included in our garage, too, our structure. I guess I would ask for at some point, a little bit of clarification from staff on what is intended by the use of that and whether we need further definition of it.

Mike Roberts: In response to that I think the simplest solution to that would be to strike the word "private"; and the storage of motor vehicles and exclude tractor/trailers and commercial buses and leave it at that.

Warren Ediger: Okay. We had a section (in our draft) that addresses openings and trying to define natural ventilation and so on. That came out of a discussion that occurred at the last meeting. From the applicant's point of view, natural ventilation had

already been taken care of with the presumption that the building is open on at least one side. We don't have any disagreement with the changes proposed by Mr. Roberts and staff as far as going to other sections of the code that already define degrees of openness and ventilation. On page 3, 406.7.5, area and height, the proposed amendment references group S-2 occupancies and in the commentary it's suggesting that you might substitute S-1 for that. I would offer that we may want to stick with the S-2 because I think that the correlation between the kind of use that we're proposing is closer to the other uses in S-2, than a parking garage that is S-1 which has more combustible storage and other activities in it that are not ordinarily found in what we are proposing. Under 406.7.6 floor slope, we've been talking there about limiting the need for a slope in the pavement and also talking about the types of pavement there and the comment is addressing another issue that is in front of you having to do with eliminating slope and I took it as agreeing with the idea that we would include all weather surfacing as paving instead of the requirement for hard surface paving. That is a critical part of what we propose in our draft amendment; that we consider all weather surface instead of asphalt paving or concrete.

Mike Roberts: Before you move on, Warren.... In the italicized portion of that section right before the comment the use of the term all weather materials is included in there. Are you saying that is acceptable? Are you saying that you agree with....

Warren Ediger: Yes

Mike Roberts: Okay, good.

Warren Ediger: Again I am pointing out that you are dealing with related issues in another proposed amendment. 406.7.8-hazardous materials- I don't think we have any objection to deleting that section. The commentary there references that the sections on parking garage do not otherwise restrict the fuel tank size; for instance in authorized vehicles and so I guess we were trying to play it a little bit safer and make sure we weren't going to create any other issues. If that's an acceptable standard it certainly is acceptable for us, also. Are there any questions that anybody would have for me at this time?

Bob Haworth: I don't hear any questions.

Warren Ediger: If any come up I would be glad to answer them.

Bob Haworth: Would anyone else like to make any comments?

Mike Roberts: Mr. Chairman, It sounds like from Mr. Ediger's comments about the staff report that the particular item that we are still in variance is in the section dealing with allowable areas. Once again I would like to point out that the reason we suggested a simplified method of calling these an S-1 occupancy instead of an S-2, as Mr. Ediger points out allowing them, or granting them to be, or assigning them a use as an S-1 occupancy would allow the storage of other moderate hazard materials in the same building. However if you are trying to limit the size of the structure, the basic allowable

areas for S-1 occupancies are fundamentally smaller than the basic allowable areas for S-2 because the thought is that the S-2 buildings are not of a degree of.... the combustibles in those buildings is lower and thus the buildings are safer. If the argument here or the intent is that we are going to remove paved floors which reduces in effect the intent of the code for fire safety in the building, than we felt like it was reasonable to say then let's simply change the category from S-2 to S-1 which allows a smaller basic allowable area. In our thinking, what difference does it make if there are other, if you've already reduced the level of safety by removing the paving than what's the harm in allowing other combustibles of a more moderate nature inside the same structure if somebody chooses to do so? It seemed like a more logical attempt and rather than trying to establish a rather arbitrary square footage to limit the size of these structures still calling them an S-2 and trying to determine what is reasonable to limit the size and then how do you deal with allowable area increases? Are they permitted to have allowable area increases or what are the other options available to you in determining the size of these things...this is just a staff recommendation – Fundamentally I guess, the board has yet to determine if you are going to limit the size of these things to smaller than the building code allows for a same structure with a concrete floor in it. The board first of all has to determine if that is their goal. It is apparent that the applicant feels like it is reasonable to some degree to limit the area of these kinds of buildings. I guess then that the board has to determine if that is reasonable and then they need to decide what that size should be.

Warren Ediger: What would be the limit under S-1, V B construction?

Mike Roberts: Basic allowable for V B is 9,000 square feet as opposed to the basic allowable area for S-2 of 13,500 square feet.

Warren Ediger: And would you do the same comparison for steel construction?

Mike Roberts: II B?

Warren Ediger: Yes

Mike Roberts: The areas expand to 17,500 square feet for the S-1 and 26,000 square feet for the S-2.

Warren Ediger: Our proposed limitation was 12,000 square feet. In part that was taken from the threshold that establishes the requirement for a fire sprinkler system. A fire sprinkler system would significantly add to the cost of this type of storage. We thought it would be beneficial to establish that as a limit for these types of structures. I would still recommend that we stay with the S-2 category and if you want to entertain the reduction in the square footage allowed for the Type II-B, we might agree with that.

Mike Roberts: The observation I would make is that the 12,000 square feet is the limit before you have to separate. You don't have to necessarily sprinkle. The code also provides the options in lieu of sprinkling that you can divide the building into smaller segments with a separation wall which is not that difficult to construct. Mr. Triplett has

done this in some of his other buildings to segment the units into smaller buildings, by using metal and dry wall construction.

Warren Ediger: But the code does treat that then as two separate buildings....so we would still be back to....

Mike Roberts: No, the code does not treat that as two separate buildings, it treats it as one building with two separate fire areas. You don't have to build a fire barrier wall to the same degree that you have to build a fire wall to create two distinct buildings.

Warren Ediger: I could go you one better and make this a fire separation....a fire wall.

(laughter)

Mike Roberts: Once again the fundamental belief is that there should be some mechanism that limits the area for these types of buildings versus the same building that a contractor or owner comes in and says that he wants to put a concrete floor in his building. He should be allowed all of the benefits that the code currently allows for allowable size because he has already met the minimum code thresholds for providing that extra measure of safety, as the intent of the commentary sets forth, that he is allowed to do that. Another developer wanting to build the same building but without a concrete floor, it would seem reasonable that he should have some limitations.

Warren Ediger: I think that follows along with the logic of proposing the 12,000 square feet which is our proposal, doesn't it?

Mike Roberts: Then the person that wants to go ahead and put in the concrete floor....if you're allowing this to go to 12,000 square feet than why is that any different. For example in combustible construction you are only allowed, in S-1, to build 9,000 square feet without increases for basic allowable area because of separations from other buildings or yards and the basic allowable for the S-2 is 13,500, so he's going to be an S-2 because he has the paving in his building, so he is going to be allowed to go to 13,500 and this would only allow..... I guess if you're saying the difference is 12,000 square feet he could only go to 12,000 square feet instead of 13,500 but I think – under our suggestion if he wanted to go to an S-1 he could build 17,500 square feet, but your limitation would be 12,000 square feet, period....and there would be no exception, no allowance to build it any larger. There is nothing in this (referring to applicant's proposed language) that would allow them to go any bigger if they had separation or anything else. You've set the limit at 12, 000. It seems to be a little less flexible than simply changing the occupancy...

Warren Ediger: In exchange for non-paved floor and not placing other restrictions...we've asked for relief from other restrictions also, so I think that the trade off is that we've set a limitation to the size of the allowable building and asked for other reductions in requirements. If you want to give somebody a benefit for putting in a

concrete floor, we could add another section that would say if you put in a concrete floor then it reverts back to....

Mike Roberts: But if you put in a concrete floor then they fall under the current requirements of the code, you wouldn't have to do anything differently. What other relief are you asking or suggesting that you are committing to? If you follow the openness requirements of the building code then the only other limit, I guess, is that you are saying that these would be separated uses and you couldn't use them as a mixed use. That would be the only other...

Warren Ediger: Right, by the time we've gone through this that is basically the only difference we have left.

Bob Haworth: Explain that difference....

Warren Ediger: I am having a hard time understanding the differences of what is being identified here....

Mike Roberts: I guess to summarize – you have come to an agreement pretty much with staff's recommendation to go with definition of openness and so now the three remaining questions are: should these buildings be limited to combustible or non-combustible construction, which was not in your suggested draft language, but is still one of the questions for the board to address.

Warren Ediger: Our proposed would allow any construction type allowed in the code...

Mike Roberts: Right, but that's your proposed draft, that's not what the board has made a final determination on. I need to remind the board that that question is still on the table until they determine otherwise. Secondly, the question would be, what are you going to define as the area to limit these buildings to, and thirdly what is the mixed use that you are going to allow these buildings to be a part of? If your proposal, as the applicant, is to limit the mixed use by requiring these to be stand alone structures – staff does not have any objection to that – we didn't say that you wouldn't have to do it, we had no objection if you did want to do it. The board can determine if they think that is reasonable or is overly restrictive. The question as to the allowable area – we just felt it was more reasonable, more uniform, more consistent, with all of the other benefits you get from the code by using a standard table rather than picking an arbitrary number as the maximum size we felt that it might be more reasonable to use the code table which already establishes basic allowable areas based on the type of construction. Your proposal is saying that 12,000 square feet is it – it doesn't matter if it is a safer type of construction or not – like type I, IIB, whereas if you simply go to just changing the occupancy designation you still get the benefit of the same type of allowable area that's driven by the type of construction and still allows you the fundamentally recognized allowances for increasing the allowable area if you have enough area around the building to make it accessible, to protect other buildings and still make it accessible for fire department access. That's why we were suggesting that it might be more

convenient and more consistent to go with the area simply by just changing the occupancy category from an S-2 to an S-1.

Warren Ediger: All of that is just fine, except that when this discussion originally started the hang up was in part over the paved floor and the reluctance to let it go out of the category of any other category other than a parking garage designation. So the direction we took was to come up with a new definition for the use of the building for the occupancy that would place additional restrictions on it and make it palatable to look at a non-paved floor. If you are proposing that we can come to an agreement on relief of the restriction on paving the floor and accepting a non-paved floor and then fall within the other categories, either S-1 or S-2, I don't see that there is really any discussion on that. That was the fundamental issue driving this.....

Mike Roberts: I understand where you may have come from in that regard, but motor vehicle occupancies in Chapter 4 as a special use occupancy group deal with not only parking garages but now we are saying that just like repair garages which are S-1s, not S-2s, this has become, by this draft it has become another separate section that stands apart from parking garages. You would have private garages, then parking garages open, parking garages closed, motor vehicle fuel dispensing stations, repair garages and finally this section here which is not under open parking garages anymore, other than by definition, it would refer you to this section later in the code.

Warren Ediger: That was a direct response to the discussion we had last time, which was that given any other means of separating it out this was going to be treated as a parking garage and then it would be classified as either open or closed by the character of the....

Mike Roberts: What I was suggesting was that the simplest way to deal with this was to drive it from the parking garage, rather than creating some new thing, well it's obvious by the draft proposal that has been submitted, that it may be better to deal with it under a separate section rather than trying to be as sub-sections under 406.6 which is the parking garages. The definition of open parking garage, refers you - if I am a designer, I can look under the definitions and say okay this is what I want to build - and then it will refer you to this other section just like it refers me to enclosed parking garages for everything else that are not open.

Warren Ediger: We want the simplest and easiest to understand method of getting to covered, semi enclosed RV storage.

Mike Roberts: If we were to agree that staff's proposal was the simplest way to do it, do you have any other objections to the size limitations that presents or would you have any concern about assigning the occupancy as an S-1, instead of an S-2?

Warren Ediger: I hadn't reviewed it in those terms but I can't see any at the moment. I think we have accomplished what we intended to accomplish.

Mike Roberts: That said, then I want to explain this to the board, that if you (*the Board*) are more comfortable with assigning a prescriptive – this is all the bigger we ever want these things to be – we don't want them to ever – they would never be any bigger than this based on allowable area or type of construction, then their (the applicant's) original draft language might be the best way to go. If you want to say 12,000 square feet is it, I don't care if you build it out of bricks and mortar or whatever, this is as big as you ever get to be with this. Or, if it's more reasonable to provide some flexibility for these....there will be smaller structures than the same building with a concrete floor – they could never be as big as the same building with a concrete floor. The board needs to decide if they will recommend a prescriptive size limitation or if they will allow some flexibility for these structures to be bigger just like other buildings are allowed to do.

Warren Ediger: Cutting through the rest of what we interpreted of the comments that are in there, and understanding it as you just presented it, I think we would find that acceptable.

Jim Manley: How about the dimensions of the building?

Mike Roberts: I think that question has been addressed. As a matter of fact, Mr. Ediger and I had a conversation yesterday as to whether it was reasonable to go with staff's suggestion of staying with the openness requirements in the building code or dealing with three sides enclosed with one side open and what that would mean for a length to width aspect ratio. I think with Mr. Ediger's further conversations with the applicants that they feel like they can live with the openness requirements rather than trying to come up with some kind of language that limits the length to width and openness of number of sides and what that means. Mr. Ediger, would I be correct in that?

Warren Ediger: Yes, the other part of what is being asked is – I think your example gives essentially a square building, instead of a long narrow building. Our discussion has been about a long narrow building – from our perspective the use that is being proposed is self limiting. It's an inefficient building to have an interior circulation pattern and then pulling into stalls to park an RV or a boat. Those buildings won't occur for the kind of use we are expecting. If there are concerns about it happening under more broad applications of this section then you may want to consider other ways of restricting that. From our stand point it is a self limiting and not an issue.

Mike Roberts: To build on that comment – in our discussions yesterday with Mr. Ediger, I did point out that it is my belief that we are not trying to craft an amendment here for commercial storage....for retail commercial storage. It seems reasonable to me that if you are going to create a niche for this open pole building to store motor vehicles in then it shouldn't be just limited to commercial leasing of that space. If I am a contractor or a business and I want to build the same type of building to store my company vehicles in and I don't want to pay someone else rent to do that then I ought to have the same sort of ability to do that. I might not be storing RVs which are forty feet long. My storage needs might be much smaller. The building I might conceive might be

much different than the box-car type building. So, while this creates a niche for that use, it still allows for that private business owner to construct the same thing to put his front loader, bobcats, crawlers and contractor's trucks in this same type of building without a paved floor, as long as it meets the openness requirements. That's what we were trying to do in our discussion in this being the most flexible.....so we're not creating an amendment for one specific type of use.

Bob Haworth: What about the combustible, non-combustible issue? What is your reasoning on that?

Warren Ediger: Cost. I think if we go to the area limitations already established by S-1 or S-2 and not set an overall limit of 12,000 square feet to it, then you get penalized for combustible construction because of smaller areas, so I would leave it to anything allowed by the code and then complying obviously with the rest of the sections of the code that restrict it.

Bob Haworth: All right. Does the board have other questions?

Jim Manley: So if we have a 12,000 square foot building that meets the code's openness requirements then it doesn't make any difference what the type of construction is or the use of the building, because if it's less than 12,000 square feet then it's okay?

Mike Roberts: The question is would it have to have a paved floor in it. And staff and the applicant are suggesting that if it meets the requirements for openness – if it meets the basic allowable areas for the type of construction that you are building in it and it's going to be limited to the storage of vehicles excluding commercial buses and tractor/trailers then we are saying that those are probably reasonable findings that would say that's probably acceptable.

Jim Manley: Without paving the floor?

Mike Roberts: Yes, without paving the floor. It addressed the fire department's concern and our concern for adequate air movement through the building, fire department access, for being able to have the building be open on a couple of different sides for them to have access to the interior of the building so....

Bob Dolan: Mike, on the area – I'm a little stuck on that - Are we limiting 12,000 square feet? Could you put ten buildings that are 12,000 square feet and then put the fire separation in them? To me, that's.....

Mike Roberts: Let me back up and explain that the 12,000 square foot number is an allowable area that you can't exceed for a fire area. That is not a basic allowable building area, it's simply that if more than 12,000 square feet is in an un-separated area then I have to sprinkle. That's where that number came from. If you wanted to building three 12,000 square foot buildings and put a fire barrier wall between each of those 12,000 square foot segments and you get that big based on the area - if you've got a

piece of property the size of Salina and lots of open room around it then you could do that within the allowable area increases and you would still have to segment the building at 12,000 square foot to meet the fire sprinkling requirements. The fire department is not interested in changing the fire separation requirements and I don't think we are either.

Bob Dolan: So, we're really not limiting square footage are we? If you put up a fire wall then....

Mike Roberts: The only thing that we are limiting by changing the use from an S-1 to an S-2 is that the building code provides basic allowable areas for the type of use and type of construction. If you call it an S-1 occupancy the basic size of the building is smaller than the basic size in an S-2. So just by changing the occupancy right out of the gate, they can only build a smaller building then they could if they put a paved floor in it, because it only allows smaller basic allowable areas to start with.

Bob Dolan: But you could do ten of them...

Mike Roberts: Yes.

Bob Dolan: Well that's what I am getting at – I don't see this then as a limit.

Warren Ediger: The code recognizes the fire barrier between the buildings as creating two separate buildings. And that's regardless of the use, it is not unique to just what we are proposing, it applies to all occupancies basically.

Bob Haworth: Regardless to use or occupancy.....

Warren Ediger: Yes, and that's the idea – that barrier is giving you enough protection. If there's a fire in one then it's like the building is separated by some distance before it would jump that distance to the next building. The requirements for a fire barrier are either three or four hour depending on the type of construction and use, I believe.

Bob Dolan: Okay, thank you.

Mike Roberts: You've asked the question about combustible versus non-combustible. I guess the one question that is still on the table if we're in agreement with the method of determining the area is the mixed use. Are you still comfortable with the idea of making these structures stand alone buildings?

Warren Ediger: Yes

Mike Roberts: Okay, they're volunteering to do that. Staff has no objection.

Bob Haworth: It has been suggested the change would be to delete the word "private" on page 2. After all of this discussion I don't know if there were any other suggestions or changes.

Bob Dolan: What were the three questions again that we needed to consider?

Bob Haworth: Combustible versus non-combustible, area, and the mixed use. We think we've answered all of those questions.

Mike Roberts: I don't know if you, the board, has answered any of those questions.

Bob Haworth: No, the board has been quietly observing and there has been good discussion between the applicant and staff. Let's bring it back to the board for any final discussion. None. Would anyone in the public care to make any further comments?

Les Appleby: I have just one question for staff. What is the frequency of requests of this type? Does this thing happen once a year, every five years, ten times a year?

Mike Roberts: If I understand your question – are you asking about the frequency of requests to amend the building code or any of our codes?

Les Appleby: I think we have a unique situation here. I don't think this is something that will happen every few months or even every six months. At the same time, and I respect your idea of not trying to change the code but perhaps this is one time that a new category would be appropriate.

Mike Roberts: That question is directed at two different members of staff. All along in this discussion Building Services staff has been willing to look at this with an open mind with the caveat that the board does its job to perform an adequate amount of research and findings of fact to determine it's reasonable to amend the code locally to create this niche. There has been plenty of discussion on this application and it sounds like you are willing to do it with some limitations and not just a broad brush that says we're going to throw out the paving requirements for these kinds of structure and everything is okay. It sounds like you are moving towards, hopefully, some agreement or recommendation that's going to limit size, mixed use, or whatever that is going to set some standards for these that will limit that. From staff's perspective that is what this whole process is about. I applaud that and I think that's great.

Les Appleby: I'm assuming Mr. Williams is comfortable with this.

Roger Williams, Fire Marshal: Yes, sir. Actually when I was first asked by Mr. Roberts to prepare a staff report I initially kind of focused with tunnel vision solely on the Triplett property and wasn't quite the visionary at first on how the changing of the pavement requirement could potentially impact other development in our community. Upon further discussion with Mr. Roberts and I actually did a site visit yesterday with Mr. Triplett, Mr. Augustine, and Mr. Ediger. We walked through the property and we had some discussion on flammable and combustible liquids that are typically found in RVs

and boats. I was actually able to better visualize the number of motorized vehicles that he presently has stored at this location, which wasn't a significant amount compared to my initial perception. That was my greatest concern – was the number of motorized vehicles – that could potentially have been there. The potential is always there for flammable or combustible materials to be leaked into the ground. If there was some type of fire in that situation the vapors and materials that are absorbed into the ground could further enhance and create a larger problem for us long term. I think if we limit the size of the structure – in relationship to that – we would initially be limiting the structure to the 9,000 square feet, based on the S-1 occupancy and they could go up to 12,000 square feet before they would have to separate or sprinkle. If they work to increase further and beyond that then of course they would have to put in some type of a fire barrier which would delay that spread of fire which would allow us adequate response time to get there and mitigate the situation. I feel pretty comfortable with what staff and the applicant have drafted for code language.

Les Appleby: I probably missed it – Warren, what about non-combustible to combustible construction – is that a factor in your project?

Warren Ediger: When we make the shift from setting a limit of total square footage in the building to going to the limits established by the S-1 or S-2 category that becomes a self limiting factor, based on the type of construction, and we would accept those limits rather than setting an arbitrary limit on the square footage. I might also try to address your initial question. I was on the Building Advisory Board a number of years ago and I think your question was how often the board sees requests for code amendments. When I served on the board I don't think we had any requests from an outside applicant. I take the same approach that staff does. You try not to amend the code whenever possible. The times when I think you do amend the code is when you find a building type or something that is occurring that does not fit within any definition that currently exists in the code. While we've not seen this particular building type occurring in Salina or surrounding communities they do occur around the country increasingly. I think we are being pro-active here in trying to determine how we treat it when it comes because we will start seeing more of them. I think with staff's contact with ICC and the code folks I think there will be changes in future codes. They may eventually get to where we are hoping to be after today.

Les Appleby: Going back to Mike's checklist, what you are saying is that you can live with the non-combustible construction and the 12,000 square feet maximum area.

Warren Ediger: I understood that Mr. Roberts suggestion was to allow combustible construction but at the reduced square footage and we would be comfortable with that.

Les Appleby: And that's back to 9,000?

Warren Ediger: Depends on whether it is classified as an S-1 or S-2.

Mike Roberts: It's 9,000 in a combustible building for S-1 and 13,500 in an S-2 of combustible construction. So it would limit the size because the type of use is more intense in an S-1 than an S-2.

Warren Ediger: Maybe you could also give the comparison of an S-1 versus an S-2 in VB and IIB construction.

Mike Roberts: If you built the building out of metal and it was going to be an S-1 it would be 17,500 versus the 9,000. If it was going to be metal S-2 it would be 26,000 versus 13,500. So, it roughly double the allowable area of the building if you switch from combustible to non-combustible. Once again, that makes a point, that the code recognizes that combustible construction is less safe than non-combustible construction.

Les Appleby: The group we have here representing the applicant...they have a track record here in Salina, rather than someone who tries to come in and drop something on us. I think we ought to try to amend this thing into a separate category, and Warren, with your help to move this thing ahead. What happens to your existing project if we change the square footage of it, if we limit it?

Warren Ediger: We had proposed the 12,000 square feet anyway, because we saw that as a natural barrier because of the need to install a sprinkler system if we go beyond that so that 12,000 square foot limitation for the sprinkler is still applicable under either of those other....

Mike Roberts: What does it do to their actual project if the basic allowable area is limited to 9,000 square feet instead of 13,500 square feet?

Warren Ediger: For wood construction?

Mike Roberts: Yes, for wood construction.

Warren Ediger: It would not have an impact on the project.

Les Appleby: Okay, 9,000 square foot combustible construction?

Warren Ediger: Correct.

Les Appleby: Mixed use...not necessary?

Warren Ediger: In our proposal we had identified a 10% allowance for an office associated with it. That is not currently the way they configure their uses without the – I mean if you were starting all over with a new facility you might want to look at something like that. And that is consistent with other sections of the code because those are created as an accessory use instead of as a change in use within the building. If it's agreeable I would leave that in.

Mike Roberts: That is consistent with the code to allow the 10% office use as an accessory use in that building.

Warren Ediger: In our draft we had proposed a one hour separation between the office and the covered parking area, which is not necessarily consistent with other code sections where they would not necessarily require a separation. I think in this instance we would want to keep that in place.

Les Appleby: MOTION: Let's get this off of dead center. I would like to see us move this ahead. If I am quoting Mr. Ediger right their project can move ahead with a 9,000 square foot max with combustible construction and eliminating mixed use as a requirement. Is that correct?

Mike Roberts: I might suggest that if the board is in agreement, taking into consideration the motion on the floor – is that a motion on the floor?

Les Appleby: Nodded yes

Mike Roberts: I think what the applicants are saying is that they are comfortable with the draft as they have submitted it with the proposed changes that staff has made to their draft with the exception of deleting the word 'private' from the definition. I think that is a draft that both staff and the applicant would be satisfied with.

Warren Ediger: And just as point of clarity that would accept the S-1 category instead of the S-2 category?

Mike Roberts: That was part of staff's recommendations.

Bob Haworth: I didn't know if we actually had a motion on the floor – I didn't understand that.

Les Appleby: As long as the applicant is comfortable with that, that is the way I think we should go.

Bob Haworth: Do you want to amend your motion then?

AMENDED MOTION: Les Appleby amended the motion to recommend approval of the draft language as presented in the draft submitted by the applicant but incorporating the alterations recommended by staff and including the recommendation of striking of the word 'private' from the definition.

SECOND: Bob Dolan

DISCUSSION: None

VOTE: 7-0 motion carries

Bob Haworth: I believe this has to go to the City Commission – right?

Mike Roberts: Yes, it does.

Bob Haworth: Do you know when that meeting will be?

Mike Roberts: There is no meeting next week; only one more meeting this month because there is a fifth Monday in January. I probably won't be able to get this on the agenda until February...maybe early February.

Bob Haworth: Doesn't there have to be a first and second reading.

Mike Roberts: Yes

Warren Ediger: I'd like to thank the board and the staff for the time they spent on this and the patience in going through this. It is not easy to recommend an amendment to the code and I appreciate all of the efforts you put into it.

Bob Haworth: Thank you.

Mike Roberts: Staff would like to make one more recommendation regarding this whole issue of motor vehicle related occupancies. There is a similar requirement in the International Residential Code (IRC). Our discussions have been focused on the International Building Code. There is a requirement in the IRC that floor surfaces under residential carports have to be paved. The board considered that recently as far as the sloped floor requirements and acknowledged that to remove that sloped floor requirement from residential carports and garages as well as commercial buildings meant that the code would have to be amended to include a specific reference to paving. As we consider this amendment that you just approved, it seems that it would be reasonable in order to be consistent to recommend a local amendment to the IRC that removes the paving requirements from residential carports the same as you have done for commercial carports – basically open structures. A carport in the IRC is a structure that is open on two or more sides.

Bob Haworth: Are they the same or are they not? In a residential area do we want to see carports with gravel? I think it's a different issue than in commercial.

Mike Roberts: I wanted to mention this because we have had a couple of citizens recently who are concerned with our requirement that they have to have a paved floor in a carport and because we are having this discussion I felt it was important to bring this to your attention. These citizens said they would be here today but they are not. It seems that while the board is discussing this whole issue the time is right to make a decision today whether or not it's reasonable. I see some board members shaking their heads yes and I see some shaking no. Is it reasonable and prudent to leave the requirement in the IRC as it now is or based on your actions today is it any less safe in a residential setting to have gravel under that carport than it is in a commercial setting?

Jim Manley: Are you talking about an attached carport?

Mike Roberts: Attached or detached.

Jim Manley: Well, I think attached is an issue whether or not you would have to have a fire wall on the side. If we reduce the size on the commercial applications – if we do the same thing on a residential they might not be able to get their car in their carport. I think it is prudent to review it and feel it is something we should do.

Les Appleby: My main concern with doing this in a residential area is the esthetic value or in this case the lack of esthetic value. I wouldn't be in favor of it. I think when you have commercial zoning, and this project it is isolated, it's not parked to somebody next door. I wouldn't be in favor of it.

Bob Haworth: In the same sense I would rather not even discuss....but if the majority of the board would like to continue it.....my initial thought is that it would not be prudent to have gravel in a residential carport.

Rick Walters: I would concur with that as well, for that reason.

Bob Dolan: Yeah.

Bob Haworth: Is that the consensus of the majority of the board? (Board members nodded)

Mike Roberts: Thank you very much.

(C) Other Business

Mike Roberts announced that the annual report and a revised action plan will be available at the next meeting on February 13. Contractor licensing is still on the City Commission agenda and is currently on a February agenda, but not positive of the date.

Bob Haworth expressed frustration in the delay of getting contractor licensing on the commission agenda.

Mike Roberts explained that he can talk to the City Manager's office and has done so. They have told him it's not going to be on the agenda in January.

Bob Haworth acknowledged that Mike's hands are tied and he does not have the authority to confirm the City Commission agenda.

MOTION TO ADJOURN: Mr. Haworth adjourned the meeting directly at 5:09 p.m.